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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hunton & Williams
1900 K Street, N.W.
Washington, DC 20006-1109

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/740,854

Applicant(s)
Robert J. Amott

Examiner
Melur. Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 21, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 23, and 24 is/are rejected.
- 7) ☒ Claim(s) 19-22 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 13, 23, 24, are rejected under 35 U.S.C 102(e) as being anticipated by Huang (US PAT: 6,148,072).

Regarding claim 1, Huang discloses a communication device comprising: a first interface (630, fig. 2A) to a first channel over a voice network, and a second interface (644, fig. 2A) to a second channel for transmitting and receiving video data (col. 4 lines 31-42), wherein the communication device is configured to establish a connection to at least a second channel for

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videoconferencing upon receiving a predetermined signal over the first channel (col. 4 lines 43-50).

Regarding claims 23 and 24, Huang further discloses a communication device and method comprising: an interface (630/640, fig. 2A) to a first and second channel, wherein the first channel is for transmitting and receiving voice over a voice network, wherein the second channel is for transmitting and receiving video data, wherein communication device is configured to establish a connection to a second channel for videoconferencing upon receiving a predetermined signal (col. 5 lines 16-31).

Regarding claims 2-3, 13, Huang further teaches the following: first channel is a public switched telephone network, and second channel comprises a data connection, predetermined signal of a tone burst comprising a sequence of data that is transmitted from a second communication device (col. 5 lines 16-31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Bremer et al. (Pub. No: US2001/0022836A1, filed 2-27-1998, hereinafter Bremer).

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Regarding claim 4-5, Huang does not teach the following: data connection comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem.

However, Bremer discloses apparatus and method for simultaneous multiple telephone type services on a single telephone line which teaches the following: data connection comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem (fig. 1, paragraphs: 0057, 0031).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: data connection comprises at least one of an asymmetrical digital subscriber line (ADSL), a symmetric digital subscriber line (SDSL), a high-data-rate digital subscriber line (HDSL), or voice over digital subscriber line (VoDSL), data connection further comprises a digital subscriber line modem as this arrangement would facilitate to provide multiple type telephone services to the user as taught by Bremer (paragraph: 0008), thus enhancing the application capability of the user telephone system.

5. Claims 6-8, 9-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Mihara (US PAT: 6,323,892 B1, filed 7-29-1999).

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Huang differs from claims 6-7, 9-10 in that although he shows camera (626, fig. 2A) and display (636, fig. 2A), he does not explicitly show the following: CCD camera integrated with a communication device and LCD integrated integrated with a communication device.

However, Mihara discloses display and camera device which teaches the following: CCD camera integrated with a communication device and LCD integrated integrated with a communication device (figs. 5A/5B, col. 6 lines 32-45, col. 7 lines 5-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: CCD camera integrated with a communication device and LCD integrated integrated with a communication device as this arrangement would provide for compact arrangement for video telephone as taught by Mihara.

Regarding claims 8 and 11, Huang teaches the following: camera/display is separate from communication device as shown in fig. 2A.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Mihara as applied to claim 9 above, and further in view of Haegebarth (JP 02000092463A).

Regarding claim 12, the combination does not teach the following: LCD is used to display advertisements transmitted via the second channel , when the first channel is not transmitting or receiving voice.

However, Haegebarth discloses method for increasing use of video conference which teaches the following: LCD is used to display advertisements transmitted via the second channel , when the first channel is not transmitting or receiving voice (page 7, second paragraph).

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Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: LCD is used to display advertisements transmitted via the second channel , when the first channel is not transmitting or receiving voice as this arrangement would facilitate reducing the communication costs to the user as trade off for watching the advertisements as taught by Haegebarth (page 6, last paragraph).

7. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Bremer and Fan (US PAT: 6,519,250 B1, filed 4-16-1999).

Huang differs from claims 14-17 in that although he discloses sending a voice band packet to the destination telephone number, the voice band packet including the address of the second line of the initiating telephone and destination telephone decoding the packet to find out the address on the initiating telephone (col. 5 lines 16-31), he does not explicitly show using fields in the sent packet such as repeating sequence of characters allowing communication device to synchronize to the tone burst, second field containing header information to identify the second communication device as being similarly configured communication device, the third field comprising Internet protocol (IP) address of the second communication device, fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly.

However, Bremer teaches sending data packet (fig. 6) with the following fields: first field fields in the sent packet such as repeating sequence of characters (reads on flag 102, fig. 6) allowing communication device to synchronize to the tone burst, a second field containing header

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information and third field containing user information and fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly (fig. 6, paragraph: 0056) and Fan discloses quick connect internet telephone and method therefor which teaches sending an IP address and identifying the type of communication device (col. 4 lines 57-67, col. 5 lines 1-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Huang's system to provide for the following: fields in the sent packet such as repeating sequence of characters allowing communication device to synchronize to the tone burst, second field containing header information to identify the second communication device as being similarly configured communication device, the third field comprising Internet protocol (IP) address of the second communication device, fourth field comprising a checksum character that serves as error detection mechanism to ensure that the tone burst was transmitted correctly as this arrangement would facilitate data transmission using internet using packets with suitable fields to send data and protect data from transmission errors after suitably identifying the transmission and receiving devices as taught by Bremer and Fan, one advantage of this arrangement is that internet is a dominant presence providing cheaper transportation means for data between the users as is well known in the art.

Regarding claim 18, Huang teaches the following: analog modem (630, fig. 2A) to receive the tone burst data (col. 5 lines 16-24).

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8. Claims 19-22, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


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(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).


Melur. Ramakrishnaiah

PRIMARY EXAMINER

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